

SECOND REGULAR SESSION

Johnstown, NY

February 13, 2012

Roll Call - Quorum Present

Supervisors: Argotsinger, Born, Bradt, Callery, Capek, DiGiacomo, Fagan, Gendron, Handy, Howard, Johnson, Kemper, Kinowski, Lauria, MacVean, Ottalagano, Ottuso, Ponticello, Potter, Waldron

TOTAL: Present: 20 Absent: 0

Chairman Gendron called the meeting to order at 1:00 p.m. Following the Pledge of Allegiance to the flag, Chairman Gendron asked if there was anyone from the public who wished to address the Board. There being no one present, he introduced Lee Hollenbeck, representative of the Fulton County Farm Bureau to present the Bureau's legislative priorities for 2012.

Mr. Hollenbeck advised that a packet was placed in the Supervisors mailboxes for their review that provided a listing of 2012 resolutions that were adopted by the Farm Bureau. He also provided a copy of a memo from Dean Norton, President, New York Farm Bureau identifying 2012 Priority Issues for the New York Farm Bureau. Mr. Hollenbeck highlighted issues from this memo.

COMMUNICATIONS

1. Communication from Region 5 Fish and Wildlife Management Board, dated 12/14/11
Subj: Minutes of the December 1, 2011 Region 5 meeting
2. Fulton County Board of Elections – Minutes of the January 4, 2102 Reorganizational Meeting
3. Communication from Essex County Board of Supervisors, dated December 27, 2011
Subj: Resolution in Support Naming the 410,000 acres mix of Public and Private Land in St. Lawrence, Hamilton, Herkimer and Franklin Counties, the Oswegatchie Wild Land Complex

REPORTS

- A. Mohawk Valley Economic Development District Income Statement and Balance Sheet dated December 31, 2011 and 2011 Year-End Report
- B. Annual Report of the Treasurer of the Fulton County Soil and Water Conservation District for 2011
- C. Citizens in Community Services Annual Report for 2011
- D. Fulton County Historian Annual Report for 2011
- E. Cornell Cooperative Extension of Fulton and Montgomery Counties Annual Report for 2010-2011 Program Year
- F. Fulton County Planning Board Annual Report for 2011
- G. Fulton County Sheriff's Office Yearly Fees and Disbursements Reports for 2011
- H. Fulton County Department of Solid Waste Annual Report for 2011
- I. NYSAC 2012 Legislative Conference Resolutions
- J. Fulton County Real Property Tax Services Annual Report for 2011
- K. Fulton County Board of Elections Annual Report for 2011

UPDATES FROM STANDING COMMITTEES

Economic Development and Environment – Chairman Bradt advised that the first meeting of the newly created Economic Development and Environment Committee meeting was lengthy but things went smoothly. He also noted that the Solid Waste Department had eight (8) employees who used no Sick leave in 2011. He read the names of those individuals.

Finance – Chairman Fagan stated that the Finance Committee already is aware that the County is in for a very difficult budget year even though there is supposedly mandate relief. He stated it is important that the Board think back over 2010 and 2011 and the plan board has put in place to deal with this issue. He further noted that the Board may have to make some adjustments going forward. Next month, Finance is going to begin looking at projections from department heads for the budget next year. He advised that things need to be looked at very closely as the Board goes through the year.

Personnel – Chairman Howard advised that the arbitration decision regarding the tardiness policy for the County was ruled in the County's favor.

REPORTS OF SPECIAL COMMITTEES

Adirondack Park Local Government – Supervisor Kemper said that the annual Adirondack Park Local Government Review Board Days are scheduled for March 20-21, 2012 in Lake Placid and these are usually very informative sessions.

Fish & Wildlife Board – Supervisor Johnson advised that he attended a meeting last Thursday and it was very well attended. He also advised that the State has brought back some Conservation Officers. It is attempting to bring personnel back to the level it was at in 2009. He stated that there was quite a bit of information and he will bring a report it to the next Board of Supervisors meeting.

Inter-County Legislative Committee of the Adirondacks – Supervisor Kemper advised that a meeting was held on January 19 in Washington County. There were discussions about quality deer management. Dave Lucas of NYSAC also provided information. The next meeting will be Thursday, February 16 in Essex County. Supervisor Kemper applauded Chairman Gendron for his letter to the editor regarding website for mandate relief. If you go to mandaterelief.com you will also see an interview from our own Mr. Stead from YNN Capital News. The other website that wasn't mentioned and it is encouraged that every town in the county put it on their websites is www.enoughmandates.com. This website was put together by a grassroots group.

Supervisor Kemper also advised that Governor Cuomo did show up to at the NYSAC conference on Wednesday. He made it clear that the State would not take over Medicaid because it cannot afford to do so. She stated that she is disappointed that more isn't being done and that counties are being told to be happy with what is being offered and then encourage legislators to agree with it or it could be much worse.

Resource Conservation and Development District – Supervisor Lauria stated that he has no report. He also advised that the district is “going out” and may not exist in the future.

Soil & Water Conservation District Board – Supervisor Ottalagano advised that he attended a meeting on January 17. Things have slowed down during the winter. He further advised that there is a new person at Soil & Water and the State is “footing the bill” for this position. He also advised that the tile and pipe gross sales last year totaled \$244,000.00.

CHAIRMAN’S REPORT

Chairman Gendron advised that the consolidated committees seem to be working smoothly. He then advised that Fulton County has established a transition team for the Residential Health Care Facility. He advised that Supervisor Howard, Supervisor DiGiacomo, and the County’s professional staff are meeting on a weekly basis and things are progressing nicely. He advised that the NYSAC Conference was well attended by Supervisors Ottalagano, Fagan, Kemper, Born, Ponticello, Waldron and himself. With regards to the Governor’s budget, Chairman Gendron stated it “simply is not enough” for counties. The proposed Tier 6 in the New York State Retirement System will not help counties now. He also stated that the “roll out” of 5 or 8 years on Medicaid will not help. He stated that the County needs to continue to be vigilant that Medicaid mandate relief be sought.

Chairman Gendron also advised that Supervisor Fagan completed the courses for the Pelletier Institute of NYSAC. This required completion of 36 credit hours of courses and seminars.

RESOLUTIONS

No. 50 (Resolution Authorizing Removal of Certain Equipment Sold to St. Mary’s Healthcare from the County Fixed Assets Inventory): Supervisor Callery asked what the dollar value is for the equipment? Mr. Stead stated the contract with St. Mary’s Healthcare identifies a monthly installment payment for this equipment. Mr. Stead advised that this is what was negotiated last year with St. Mary’s when they took over the Mental Health Clinic. Human Services Committee Chairman DiGiacomo stated this equipment was part of the contract with St. Mary’s so there was not a lot of discussion on the issue this year.

Supervisor Born stated that Ernie Gagnon, Director of Community Services, advised that it was better to sell the fixed assets to St. Mary’s rather than having the County figure out how to get rid of all the surplus equipment.

Mr. Stead stated that the fixed assets were all older style equipment and not modern office furniture. He stated that it would not be that useful for other departments.

No. 52 (Resolution Amending Resolution 439 of 2011 to reflect the actual cost of Physician Services in 2012 (Residential Health Care Facility)): Supervisor Callery asked if these costs will be prorated with the closing of the facility scheduled for the near future. Mr. Stead stated yes.

No. 59 (Resolution Authorizing Extension of Deadline for Lease Payment from R&R Aviation for Lease of Land at Fulton County Airport): Supervisor Born stated that if the courts rule against R&R Aviation, R&R Aviation will not make this lease payment. Mr. Stead stated no one knows what R&R Aviation's response will be. Supervisor MacVean stated that she will be abstaining on this resolution because the Town of Johnstown is in litigation with R&R Aviation.

Supervisor Kemper stated if this request is approved, she believes it will set a precedent for other businesses at the airport.

Supervisor Lauria stated that he agreed with Supervisor Kemper and will be voting against this. Chairman Argotsinger stated that this was not unanimous in the Buildings & Grounds/Highway Committee. Supervisor Ottuso asked how long this extension is for? Mr. Stead stated the original payment was due in January and this would allow the lease payment to be paid in June. Mr. Stead explained that the issue in the courts involves an assessment dispute with the Town of Johnstown for a hangar building at the Fulton County Airport. He further advised that this may be resolved in court in the next month or so. As a result, R&R Aviation has asked for the lease payment to be pushed back until a decision is reached.

No. 60 (Resolution Authorizing Local Government Efficiency Grant Application for Municipal Highway Maintenance Efficiency Study (2012 Capital Plan)): Supervisor Johnson clarified that the Town of Stratford Town Board is not opposed to the study as stated in the minutes for the Buildings and Grounds/Highway Committee. He stated that the Town is in favor of the study. He just expressed the concerns that the Town had with regards to taking on additional work on county roads with regards to paving, ditching, etc. He also advised that the Town Board did pass a resolution supporting the study.

Supervisor Ponticello stated that this is good for sharing services and purchasing equipment. He stated that this is just a study and it may open everyone's eyes and save quite a bit of money. Hopefully, in due time, the cities would be involved in something like this to see what can be done to consolidate services.

Chairman Gendron advised that \$9 million was spent on highways countywide last year. He stated this is an issue that comes up every budget season. He stated that there may be assumptions that the towns will be out of the picture but he looks at it the other direction. He stated the study is needed so the Board can make informed decisions on facts rather than emotions.

No. 61 (Resolution Authorizing Small Vehicle Waiver Request to New York State Department of Transportation on Behalf of I. Persch Transit for Commuter Bus Run): Supervisor Lauria questioned whether the 11 passenger bus will be big enough since GE is hiring more people. Mr. Stead stated that I. Persch can come back and request to use the bigger bus if this is an issue. Supervisor Callery asked if there is any cost to the County. Mr. Stead stated there is not. Supervisor DiGiacomo asked what will happen to the bus the County owns. Mr. Stead stated that hasn't been resolved. Supervisor DiGicamo stated that he is opposed to the program. He questioned why the County is subsidizing GE for riders when they are the highest paid in the area.

Supervisor Ottalagano stated that I. Persch will make whatever arrangements are necessary depending on ridership. Supervisor Ponticello asked if the bus currently in use will be returned to the County. Mr. Stead stated that hasn't come up for discussion yet. This is the first step.

Supervisor Kemper stated if there is no cost to the County, who pays for insurance on the bus. Mr. Stead stated that the County does not pay for this. I. Persch insures the vehicles and provides indemnification for the County regarding insurance.

No. 63 (Resolution Authorizing Request for Proposals for Title work for Tryon Technology Park and Incubator Center Project): Supervisor Callery stated that beginning title work on this project is premature at this time. He stated that until the County knows it is going to receive this property, why would it spend money for this work. Mr. Stead stated that at this point, this just authorizes distribution of proposals for anticipated costs for this work. He stated that having proposals in place and expectations of the cost for this work will allow the County to move forward once title to this property is received.

Supervisor Kemper stated that the County can't afford to wait on this until the State decides to move on it. The only cost involved right now is the paperwork and mailing fees for these steps being addressed today.

No. 66 (Resolution Appointing Alternate Members to the Fish and Wildlife Management Board) Supervisor Johnson advised that appointee, Darren Smith, may be moving out of the area. Mr. Stead stated he must live in the County. If this changes, the Board will have to address it at a later date.

No. 76 (Resolution Amending Resolution 440 of 2011 to Reflect Increase in Contract with P&NP, Inc. for RMS Software Maintenance): Supervisor Callery again asked if this contract will be prorated due to the anticipated closure of the Residential Health Care Facility in the near future. Mr. Stead stated that it would; however, he also stated that this program will be used even after the closing of the facility for final billing, etc.

No. 88 (Resolution Setting Date of Public Hearing on Proposed Local Law "A" of 2012 Enacting a Local Wireless Surcharge): Supervisor Howard stated that he is not opposed to having a public hearing on this surcharge but the 911 funds have been controversial for a long time. He stated that \$1.2 billion has been collected by New York State for wireless surcharges and very little has reverted back to the County. He stated that New York State collected \$190 million last year and counties received less than \$9.3 million. Now Fulton County is looking at implementing another tax on cell phone users because the State has "stolen" this money. He further advised that people should be aware of what is going on with a number of lawsuits that are currently underway against the State regarding the state-implemented wireless surcharge.

Supervisor Kemper stated that in the Public Safety Committee minutes, Sheriff Lorey referenced other counties who have instituted this surcharge. Supervisor Waldron stated that the counties were listed in the Agenda Item. Mr. Stead read the names of the counties who have implemented this surcharge. He stated that it appears that every county was granted the right and local option to do this and those are the ones that have actually implemented this surcharge. Supervisor

Kemper stated that two things concern her on this issue. First, this is another tax. Second, she does not know how this can easily be tracked as far as people making calls within the county. She also questioned how the funds would be directed to Fulton County because of an overlap of addresses where people use post office boxes and adjoining towns that are outside of Fulton County. She stated that she is not opposed to a public hearing but doesn't think this is the right way to go.

Supervisor Born stated this is just another tax on the taxpayer no matter how much it is. She stated that anyone that has a landline in Fulton County already pays a .35 911 surcharge as part of their phone bill. She does not feel it is fair to add this again. She will not support this surcharge.

Supervisor Callery asked if Fulton County could opt out of the 911 wireless surcharge implemented by the state and impose only its own wireless surcharge. This way the County would receive 100% of the funds. He stated that he is not in favor of another tax.

Supervisor Kinowski advised that this is a revenue source and the Board needs to look at it that way. This is just a request approving a public hearing on the surcharge. He further stated that everyone in the county who has a cell phone would pay this not just property owners. This revenue would be only for Fulton County and hopefully reduce the County's costs associated with 911 by about \$90,000.00.

Supervisor Ottalagano stated that he is favor of this surcharge. He stated that Time Warner does not collect tax for Fulton County. He also noted that a lot of people have done away with a landline phone and only use cell phones so revenue has dropped.

Supervisor Kemper again asked who would be responsible for tracking down these funds and distributing it accurately within the County.

Supervisor DiGiacomo advised that he talked with Captain Hillier of the Sheriff's Department regarding this and Captain Hillier claims more than half of the calls in the 911 Center are received from cell phones. Supervisor DiGiacomo stated that cell phone users should pay for the 911 service they are using.

No. 93 (Resolution Authorizing Purchase of Replacement for Damaged Ballot Counting Station (Board of Elections)): Supervisor Callery asked why the Public Health Department is not being made to pay the \$1,000 deductible if the leak was a result of their mistake. Supervisor Fagan stated when the money is not available in either department's budget that is what the contingency account is for. Supervisor Lauria stated the money could be taken out of Public Health funds and if there is a shortfall later in the year, Public Health can come back and ask for money from contingency.

Supervisor Lauria made a motion to amend Resolution 93 to transfer \$1000.00 from the Public Health Department budget rather than the Contingency Account to pay the deductible for water damage to a ballot counting station in the Board of Elections storage room. The motion was seconded by Supervisor Callery and defeated by the following vote: Ayes: 180 (9) Nays: 375 (11) (Supervisors Argotsinger, Born, DiGiacomo, Fagan, Gendron, Handy, Howard, Kinowski, MacVean, Ponticello, Waldron)

A motion was offered by Supervisor Fagan, seconded by Supervisor Kemper and unanimously carried, waiving the Rules of Order to take action on Late Resolution 1.

PROCLAMATIONS

Supervisor Waldron read the following Proclamation:

PROCLAMATION DECLARING MARCH 2012 AS AMERICAN RED CROSS MONTH

WHEREAS, the American Red Cross has touched many lives in Fulton County and across the country; and

WHEREAS, during American Red Cross month, we thank those who contribute to the mission of the Red Cross, whether through time, money or blood, and we invite others to support the Red Cross in helping people in need down the street, across the country and around the world; and

WHEREAS, the American Red Cross is synonymous with helping people and has been doing so for more than 130 years and throughout the past year, the American Red Cross launched hundreds of disaster relief opportunities in the United States to help people affected by fires, floods, hurricanes and tornadoes; and

WHEREAS, the American Red Cross also supported major international disasters, including the Japan earthquake and tsunami response, and the 2010 Haiti earthquake response and recovery; and

WHEREAS, in Fulton County, the Red Cross works tirelessly through its 34 employees and 3,155 volunteers to support us when disaster strikes, when someone needs life-saving blood or the comfort of a helping hand as well as providing 24-hour support to members of the military, veterans and their families and provides training in CPR, aquatics safety and first aid; and

WHEREAS, for nearly 100 years, United States Presidents have called on the American people to support the Red Cross and its humanitarian mission; and

WHEREAS, the American Red Cross is not a government agency and depends on financial support from the public to continue its humanitarian work; now, therefore be it

RESOLVED, That the Board of Supervisors hereby proclaims March 2012 as “American Red Cross Month in Fulton County” and encourages all Americans to support this organization and its noble humanitarian mission.

OLD BUSINESS

Supervisor Born reported that on January 10 some Supervisors attended the ribbon cutting of the newly renovation OTB facility.

Supervisor Potter advised that whatever monies the Racebook generates in Albany County, those funds go to Albany County. It is important for Fulton County residents to support places like Partner’s Pub or the Gloversville OTB Parlor for betting as more of that money will come back to Fulton County.

NEW BUSINESS

Supervisor Johnson asked about representation for the Great Sacandaga Lake Advisory Council. He stated that he was approached by someone who is concerned that there is not enough representation at the meetings. Supervisor Johnson asked if there is something the Board could do to help with this. Mr. Stead advised Supervisor Johnson to speak with Chairman Bradt of the Economic Development & Environment Committee regarding this issue. Mr. Stead clarified that the only authority the Great Sacandaga Lake Advisory Council has is to make recommendations on expenditures from the fund that is set up from the FERC settlement agreement for regulating the lake.

There being no further business, the meeting adjourned at 3:02 p.m., upon a motion by Supervisor Howard, seconded by Supervisor Fagan and unanimously carried.

Certified by:

*Jon R. Stead, Administrative Officer/ Date
Clerk of the Board*

Resolution No. 45

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR VARIOUS HIGHWAY CONSTRUCTION MATERIALS FOR USE IN THE DEPARTMENT OF HIGHWAYS AND FACILITIES (2012)

WHEREAS, the Committee on Buildings and Grounds/Highway recommends advertising for bids for various highway construction materials; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for sealed bids for the purchase of construction materials for use by the Department of Highways and Facilities (and according to further specifications which may be obtained at the Office of the Purchasing Agent, County Building, Room 205, Johnstown, NY, 12095, during usual business hours); and, be it further

RESOLVED, That such sealed bids must be addressed to Jon R. Stead, Purchasing Agent, County Building, Room 205, Johnstown, NY, 12095, and received by said Purchasing Agent no later than the dates and times identified below, at which time and place they will be publicly opened and read:

GROUP 1 - Wednesday, March 7, 2012 at 2:00 p.m.:

Acrylic Water Borne Pavement Markings
Bridge Repair
Pneumatically Projected Concrete
Ready Mix Concrete
Lubricants
Vegetation Control

GROUP 2 - Thursday, March 8, 2012 at 2:00 p.m.:

Plant Mixed Patching Material
Coarse Aggregates--Crushed Stone, Crushed Gravel
Asphalt Concrete
Hot Mix Paving

GROUP 3 - Wednesday, March 14, 2012 at 2:00 p.m.:

Corrugated Metal & Polyethylene Pipe
Cable Railing
Cold-In Place Recycling Type I
Cold Planing
In-Place Road Base Stabilization
Abrasives Snow & Ice Control
Cold In-Place Recycling-Hammermill Method
Hot In-Place Recycling

Resolution No. 45 (continued)

and, be it further

RESOLVED, That the Board of Supervisors reserves the right to reject any or all bids; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Highway Superintendent and Administrative Officer/Clerk of the Board.

Seconded by Supervisor KINOWSKI and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 46

Supervisors BRADT AND FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING CLOSEOUT OF SOLID WASTE DEPARTMENT
LANDFILL GAS TO ELECTRIC PROJECT (2007 CAPITAL PLAN)**

WHEREAS, the 2007 Capital Plan identified a Landfill Gas-to-Energy (Methane Gas) Project in the Solid Waste Department, and the construction phase of said project has been completed; and

WHEREAS, Resolution 107 of 2011 authorized closeout of construction phase of Landfill Gas-to-Energy Project and authorized additional expenditures to commence sale of carbon credits; and

WHEREAS, a balance of \$3,680.00 for said project remains; and

WHEREAS, the Solid Waste Director requests authority to use the balance of said project funds for gas-to-energy related work, including, but not limited to, carbon credit verification costs; now, therefore be it

RESOLVED, That upon the recommendation of the Committees on Economic Development and Environment and Finance, the Solid Waste Director be and hereby is authorized to utilize remaining Landfill Gas-to-Energy Project funds for carbon credit sale and verification expenses, as follows:

	<u>Not-to-Exceed Amount</u>
Environmental Capital, LLC	\$ 1,360.00
First Environment (LFG Carbon Credit Verification)	<u>2,320.00</u>
	\$ 3,680.00

and, be it further

RESOLVED, That upon the recommendation of the Committees on Economic Development and Environment and Finance and Budget Director/County Auditor, the County Treasurer be and hereby is directed to close out H-085-8167.200 Landfill Methane Gas and transfer remaining balances, if any, to the CL Landfill Depreciation Reserve; and, be it further

Resolution No. 46 (continued)

RESOLVED, That the Solid Waste Director, Budget Director and County Treasurer do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Solid Waste Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor KINOWSKI and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 47

Supervisor BRADT offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE PURCHASE OF
A BULLDOZER FOR USE IN THE SOLID WASTE DEPARTMENT (2012 CAPITAL PLAN)**

WHEREAS, the 2012 Capital Plan identifies funding for the purchase of a new bulldozer for use in the Solid Waste Department; and

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for sealed bids for the purchase of a bulldozer for use in the Solid Waste Department (and according to further specifications which may be obtained at the Office of the Purchasing Agent, County Building, Room 205, Johnstown, NY 12095, during usual business hours); and, be it further

RESOLVED, That such sealed bids must be addressed to Jon R. Stead, Purchasing Agent, County Building, Room 205, Johnstown, NY 12095, no later than 2:00 p.m., Wednesday, March 21, 2012, at which time and place they will be publicly opened and read; and, be it further

RESOLVED, That the Board of Supervisors reserves the right to reject any or all bids; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Solid Waste Director and Administrative Officer/Clerk of the Board.

Seconded by Supervisor KINOWSKI and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 48

Supervisor BRADT offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING FILING OF APPLICATION FOR STATE GRANT-IN-AID FOR A MUNICIPAL WASTE REDUCTION AND/OR RECYCLING PROJECT

WHEREAS, the State of New York provides financial aid for municipal waste reduction and municipal recycling projects; and

WHEREAS, the County of Fulton, herein called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the MUNICIPALITY deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the MUNICIPALITY be executed for such STATE Aid;

NOW, THEREFORE, BE IT RESOLVED

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized;
2. That the Chairman of the Board of Supervisors is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the STATE;
3. That the MUNICIPALITY agrees that it will fund its portion of the cost of said Municipal Waste Reduction and/or Recycling Project.
4. That this resolution shall take effect immediately;

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Solid Waste Director, NYS Department of Environmental Conservation, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor KINOWSKI and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 49

Supervisor DIGIACOMO offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING MEAL EXPENSES FOR CERTAIN SCHEDULED EVENTS
IN THE OFFICE FOR THE AGING (2012)**

WHEREAS, the Office for the Aging sponsors certain training meetings and community events throughout the year, which include plans for light meals and room rental; and

WHEREAS, in accordance with Section 16.03 of the Purchasing and Audit Guidelines, scheduled meetings or community events that include meals require prior approval by the Board of Supervisors; and

WHEREAS, in accordance with such policy, the OFA Director has submitted a current list of scheduled events, as follows:

- Volunteer Recognition – April 2012
- Long Term Care Education Workshop – June 2012
- OFA Senior Picnic –August 2012
- Caregiver Support Group and Trainings – Monthly
- Quarterly Office for Aging Advisory Council Meetings
- Quarterly Health Insurance Information Sessions
- Caregiver Awareness Workshop – November 2012

now, therefore be it

RESOLVED, That the OFA Director is hereby authorized to include a light meal and room rental, if necessary, as part of planning for the aforementioned sessions during 2012, subject to said costs being in accordance with State and/or Federal agency guidelines; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, OFA Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor KINOWSKI and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 50

Supervisor DIGIACOMO offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING REMOVAL OF CERTAIN EQUIPMENT SOLD TO ST. MARY'S HEALTHCARE FROM THE COUNTY FIXED ASSETS INVENTORY

WHEREAS, Resolution 417 of 2011 authorized an agreement between Fulton County and St. Mary's Healthcare for lease of office space at 57 East Fulton Street, Gloversville; and

WHEREAS, said agreement included the sale of existing Fulton County Mental Health Clinic office furniture to St. Mary's Healthcare excluding computers and electronic devices; and

WHEREAS, in accordance with the Fulton County Purchasing and Audit Guidelines, the Fulton County Treasurer is responsible for maintaining a list of all fixed assets in the possession of the County of Fulton; now, therefore be it

RESOLVED, That the Director of Community Services be and hereby is authorized to transfer the following equipment to St. Mary's Healthcare and the County Treasurer shall remove said equipment from the County's Fixed Assets Inventory:

<u>ID #</u>	<u>Equipment Description</u>
<i>Mental Health Clinic:</i>	
0001788	Desk, 3-drawer
0001793	Desk, 4-drawer tan
0001795	Filing Cabinet, 6-drawer
0001796	Filing Cabinet, 6-drawer beige
0001812	Desk, Computer Workstation
0001821	Desk
0001823	Couch, 3-seat tan vinyl
0001836	Filing Cabinet
0001838	Filing Cabinet
0001840	Supply Cabinet
0001841	Supply Cabinet
0001866	Desk, L-shaped
0001867	Unit, 3-shelf
0001875	Bookcase, 3-shelf
0001878	Bookcase, 3-shelf
0001880	Chair, straight brown
0001885	Chair, executive
0001892	Bookcase, 3-shelf
0001893	Bookshelf
0001897	Chair, blue
0001901	Desk, green
0001902	Bookcase, 4-shelf

Resolution No. 50 (continued)

0001903	4-Shelf w/glass
0001905	Legal File
0001906	Desk
0001907	Bookcase
0001909	Bookcase
0001910	Desk
0001927	Desk
0004303	Chair, high-back swivel
0004304	Computer Shelf
0004415	Cabinet, 5-shelf metal
0004578	Cabinet, 5-shelf metal
0004579	Cabinet, metal black
0004580	Bookcase, 3-shelf
0004583	Desk, 3-drawer tan
0004585	Desk, 6-drawer tan
0004586	Bookcase, 2-shelf metal
0004589	Bookshelf, 3-shelf green
0004590	Desk, 5-drawer black
0004591	Desk, 3-drawer tan
0004592	Shelving, metal
0004594	Shelving, metal
0004595	Filing Cabinet
0004596	Conference Table, wooden
0004601	Chair, blue
0004602	Chair, blue
0004609	Cabinet, 4-shelf w/glass
0004611	4-Shelf w/glass
0004825	Work Center, Contours nat. cherry
0006117	Hutch, locking
0006165	Sofa w/arms, 2-seat burgundy
0006166	Sofa w/arms, 2-seat burgundy
0006167	Sofa, 3-seat burgundy
0006734	Shelf, 5-shelf legal
0006735	Shelf, 5-shelf legal
0006736	Shelf, 5-shelf legal
0006737	Shelf, 5-shelf legal
0006868	Shelf, 5-shelf legal
0007042	Mechanical Beam Scale
0007049	3 Com SS3 4400 24 pt Switch
0007442	Software, Procomm Plus 10 license
0007526	Filing Cabinet, legal
0008363	Filing Cabinet, 5-shelf

Resolution No. 50 (continued)Addition Svcs.

0000624	Desk, executive black w/walnut
0000628	Chairs, set of 32, black stacking
0000630	Filing Cabinet, 4-drawer black
0000651	Desk, walnut top w/drawer
0000667	Conference Table, round
0000681	Filing Cabinet, 4-drawer black
0000682	Filing Cabinet, 4-drawer black
0000683	Filing Cabinet, 4-drawer black
0000684	Filing Cabinet, 4-drawer black
0000702	Typewriter, Canon AP810
0000704	Desk, Secretarial w/drawers and return
0000710	Bookcase, 3-shelf
0000712	Desk
0000718	Alco-Sensor III
0000720	Modem w/accessories
0000727	Television, Magnavox 27"
0000729	VCR, Fisher
0000731	Workstation
0001834	Filing Cabinet
0001835	Filing Cabinet
0004238	Chair, executive w/arms
0004330	Files, stackable 8-interlock
0004331	Workstation, 60" gray
0004542	Desk, executive w/drawers
0005404	Chair, swivel tilt burgundy
0005461	Printer, HP Laser 1100
0005482	HP Jet Direct 600N
0005970	Video Camera Radio, RCA, VHS
0006204	Storage Cabinet, 42"
0006629	Microcassette, Panasonic
0006630	MD Scale w/height bar
0007008	Chair, executive
0007009	Facsimile Machine, Panasonic laser
0007072	Chair, executive
0007096	Alco Sensor III
0007146	Computer, Dell Optiplex GX620
0007520	Computer Workstation
0007521	Desk, kneespace
0007522	Desk, kneespace
0007523	Desk
0007524	Desk
0007673	Credenza
0007674	Filing Cabinet, 5-drawer

Resolution No. 50 (continued)

0007675	Filing Cabinet, 5-drawer
0007777	Printer, HP Laser Jet P3305N

and, be it further

RESOLVED, That the Director of Community Services and County Treasurer do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Director of Community Services, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BRADT and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 51

Supervisor DIGIACOMO offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING ACCEPTING 2011-2012 EARLY INTERVENTION
ADMINISTRATION FUNDS FROM THE NYS DEPARTMENT OF HEALTH
(PUBLIC HEALTH DEPARTMENT)**

WHEREAS, the Fulton County Public Health Director recommends an agreement for acceptance of Early Intervention Administration from the NYS Department of Health; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign an agreement between the Public Health Department and NYS Department of Health to accept an Early Intervention Administration, in an amount of \$35,089.00, for the period beginning October 1, 2011 through September 30, 2012; said agreement subject to the approval of the County Attorney; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Public Health Director, NYS Department of Health, Budget Director/County Auditor and Administrative Officer/ Clerk of the Board.

Seconded by Supervisor KINOWSKI and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 52

Supervisor DIGIACOMO offered the following Resolution and moved its adoption:

**RESOLUTION AMENDING RESOLUTION 439 OF 2011 TO REFLECT THE ACTUAL
COST OF PHYSICIAN SERVICES IN 2012 (RESIDENTIAL HEALTH CARE FACILITY)**

WHEREAS, Resolution 439 of 2011 authorized contracts between the Residential Health Care Facility and Dr. Edith Pryce, Dr. Akber Hassam and Dr. John Fedullo, respectively for 2012; and

WHEREAS, the assignments of the physicians' serving the nursing home were realigned near the end of 2011; now, therefore be it

RESOLVED, That the Chairman of the Board of Supervisors be and hereby is authorized and directed to sign amended 2012 contracts with Dr. Akber Hassam, Dr. Edith Pryce and Dr. John Fedullo, respectively, to reflect accurate contract estimated amounts for their current assignments, as follows:

Dr. Pryce	\$19,560.00
Dr. Hassam	\$73,350.00
Dr. Fedullo	\$70,090.00

and, be it further

RESOLVED, That said contracts shall be subject to the approval of the County Attorney; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Nursing Home Administrator, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor WALDRON and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 53

Supervisor WALDRON offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING CONTRACTS BETWEEN THE STOP-DWI PROGRAM
AND VARIOUS AGENCIES FOR SERVICES IN 2012**

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign the contracts between the STOP-DWI Program and various agencies for STOP-DWI services/programs in 2012; said contracts subject to the approval of the County Attorney:

<u>Agency/Program</u>	<u>Cost</u>
<u>STOP-DWI Overtime Patrols:</u>	
City of Gloversville Police Department	\$13,640.00
City of Johnstown Police Department	8,800.00
Sheriff's Department	21,560.00

and, be it further

RESOLVED, That funding for said programs shall be provided from the 2012 STOP-DWI Budget; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, District Attorney, STOP-DWI Coordinator, Budget Director/County Auditor and Administrative Officer/ Clerk of the Board.

Seconded by Supervisor KINOWSKI and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 54

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR PAPER AND
PRINTING SUPPLIES FOR USE IN THE INFORMATION SERVICES/
PRINTING DEPARTMENT**

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for sealed bids for the purchase of paper and printing supplies for use in the Information Services/Printing Department (and according to further specifications which may be obtained at the Office of the Purchasing Agent, County Office Building, Room 205, Johnstown, NY, 12095, during usual business hours); and, be it further

RESOLVED, That such sealed bids must be addressed to the Jon R. Stead, Purchasing Agent, County Office Building, Room 205, Johnstown, NY, 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, March 21, 2012, at which time and place they will be publicly opened and read; and, be it further

RESOLVED, That the Board of Supervisors reserves the right to reject any or all bids; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Information Services/Printing Director, Printing Division and Clerk of the Board/Purchasing Agent.

Seconded by Supervisor KINOWSKI and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 55

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION APPROPRIATING FUNDS FOR CERTAIN 2012 CAPITAL PROJECTS
(INFORMATION SERVICES DEPARTMENT)**

WHEREAS, the 2012 Capital Plan identifies the following projects for the Information Services Department:

- | | |
|----------------------|-------------|
| • PC Replacement | \$15,994.00 |
| • Server Replacement | 9,864.00 |

and

WHEREAS, funds for said projects are resident in A-795-9950.900 Transfer to Capital Plan; and

WHEREAS, it is necessary to transfer funds into said the appropriate Information Services account; now, therefore be it

RESOLVED, That the County Treasurer be and hereby is directed to make the following transfer:

From: A-795-9950.900 Transfer to Capital Plan
To: A-275-1680.201 Information Services-Capital
Sum: \$25,858.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Information Services Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor KINOWSKI and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 56

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR PURCHASE OF WIDE
FORMAT SCANNER FOR USE IN THE REAL PROPERTY TAX SERVICES AGENCY
(2012 CAPITAL PLAN)**

WHEREAS, the 2012 Capital Plan identifies funding for the purchase of a new wide format scanner use in the Real Property Tax Services Agency; and

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for sealed bids for the purchase of a wide format scanner for use in the Real Property Tax Services Agency (and according to further specifications which may be obtained at the Office of the Purchasing Agent, County Building, Room 205, Johnstown, NY 12095, during usual business hours); and, be it further

RESOLVED, That such sealed bids must be addressed to Jon R. Stead, Purchasing Agent, County Building, Room 205, Johnstown, NY 12095, no later than 2:00 p.m., Wednesday, March 21, 2011, at which time and place they will be publicly opened and read; and, be it further

RESOLVED, That the Board of Supervisors reserves the right to reject any or all bids; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Real Property Tax Services Agency Director and Administrative Officer/Clerk of the Board.

Seconded by Supervisor KINOWSKI and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 57

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION APPROPRIATING CAPITAL EQUIPMENT AND IMPROVEMENT
RESERVES TO CERTAIN 2012 CAPITAL PROJECTS**

WHEREAS, Resolution No. 175 of 2001 established Capital Reserve accounts for receipt of National Tobacco Settlement proceeds and/or County monies from other sources that would facilitate capital improvements or the purchase of capital equipment; and

WHEREAS, the 2012 Adopted Budget allocated \$170,656.00 from said Capital Reserves and \$100,000.00 from the County Technology Improvement Reserve to fund certain Capital Equipment and Improvement Projects; and

WHEREAS, said allocation needs to be transferred into the appropriate projects; now, therefore be it

RESOLVED, That the County Treasurer be and hereby is directed to make the following transfer:

From:

A-082-0881.000 Co Clerk Technology Improvement Reserve	\$100,000.00
A-082-0883.700 Capital Equipment Reserve	70,656.00
A-082-0883.800 Capital Improvement Reserve	<u>100,000.00</u>
	\$270,656.00

To:

A-082-0909.000 General Fund Balance	\$270,656.00
-------------------------------------	--------------

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor KINOWSKI and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 58

Supervisors ARGOTSINGER AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING TWO-YEAR AGREEMENTS WITH CERTAIN SNOWMOBILE CLUBS FOR MAINTENANCE OF COUNTY-OPERATED STATE SNOWMOBILE TRAILS

WHEREAS, Resolution 99 of 2011 authorized agreements with eight (8) snowmobile clubs for snowmobile trails maintenance, effective April 1, 2011 through March 30, 2012; and

WHEREAS, the Superintendent of Highways and Facilities recommends renewing said agreements for a two-year period; now, therefore be it

RESOLVED, That upon the recommendation of the Committees on Buildings and Grounds/Highway and Finance, the Chairman of the Board be and hereby is authorized to sign agreements with the following snowmobile clubs for snowmobile trails maintenance and grooming services, effective April 1, 2012 through March 31, 2014, as follows:

<u>Name of Club</u>	<u>Total Miles of State Approved Trails</u>
Bleecker Snow Rovers	18
Charlton Snowmobile Club	11
Fulmont Snow Travelers	28
Nick Stoner Trailers	16
Oppenheim Trail Blazers	28
Royal Mountain Moonlighters	13
Southern Adirondack Snowmobile Club	17
Stratford Snow Drifters	<u>39</u>
TOTAL MILES	170

said contracts subject to the approval of the County Attorney; and, be it further

RESOLVED, That the County shall only be responsible for paying said clubs the mileage rates specified by the State of New York with any payments being contingent upon full funding from New York State, with the understanding that this funding will expire immediately, if and when this specific funding is discontinued; and, be it further

RESOLVED, That the Superintendent of Highways and Facilities do each and every other thing necessary to further the purport of this Resolution; and, be it further

Resolution No. 58 (Continued)

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, All Contracted Snowmobile Clubs, Budget Director/ County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HOWARD and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 59

Supervisor BRADT offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING EXTENSION OF DEADLINE FOR LEASE PAYMENT FROM R & R AVIATION FOR LEASE OF LAND AT FULTON COUNTY AIRPORT

WHEREAS, Resolution 393 of 2010 authorized an agreement with R&R Aviation Supply Corporation for lease of property at the Fulton County Airport for construction of a hangar and office space, effective January 1, 2011 through December 31, 2040, with lease payments due on January 15 of each year; and

WHEREAS, inasmuch as R&R Aviation is currently in litigation against the Town of Johnstown regarding property tax assessment and has delayed construction of the hangar/office building, R&R Aviation has requested that the annual lease payment deadline be extended from January 15, 2012 to June 30, 2012; now, therefore be it

RESOLVED, That by this Resolution, the deadline for payment from R&R Aviation Supply Corporation for lease of property at the Fulton County Airport for construction of a hangar and office space be and hereby is extended to June 30, 2012, in this one-time instance only; and, be it further

RESOLVED, That all other terms and conditions in said agreement shall remain in full force and effect; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, R&R Aviation, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor DIGIACOMO and DEFEATED by the following vote:

Total: Ayes: 207 (8) Nays: 277 (11) (Supervisors Argotsinger, Born, Capek, Gendron, Handy, Howard, Kemper, Kinowski, Lauria, Ottuso and Potter) Abstentions: 71 (1) (Supervisor MacVean)

Resolution No. 60

Supervisors ARGOTSINGER AND FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING LOCAL GOVERNMENT EFFICIENCY GRANT
APPLICATION FOR MUNICIPAL HIGHWAY MAINTENANCE EFFICIENCY STUDY
(2012 CAPITAL PLAN)**

WHEREAS, the 2012 Capital Plan includes a Fulton County Highway Study; and

WHEREAS, the decision to perform said Study was contingent upon the County of Fulton being awarded a NYS Local Government Efficiency grant to fund 90 percent of the Study cost, with the County providing a local share of 10 percent, for a total project cost of \$100,000.00; and

WHEREAS, Resolution 251 of 2011 authorized distribution of a Request for Proposals from engineering firms to prepare a Municipal Highway Maintenance Efficiency Study and four (4) proposals were received; now, therefore be it

RESOLVED, That upon the recommendation of the Committees on Buildings and Grounds/Highway and Finance, the Chairman of the Board be and hereby is authorized to submit a Local Government Efficiency Grant application to the NYS Department of State, in an amount of \$90,000.00, for preparation of a Municipal Highway Maintenance Efficiency Study; and, be it further

RESOLVED, That the Planning Director and Superintendent of Highways and Facilities do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, Superintendent of Highways and Facilities, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor WALDRON and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 61

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING SMALL VEHICLE WAIVER REQUEST TO
NEW YORK STATE DEPARTMENT OF TRANSPORTATION ON BEHALF
OF I. PERSCH TRANSIT FOR COMMUTER BUS RUN**

WHEREAS, since 1980, Fulton County has contracted with I. Persch Transit, Inc. to provide a commuter bus run to Schenectady, NY, through the NYS Department of Transportation Section 18-B Mass Transit Assistance Program; and

WHEREAS, because ridership has decreased substantially over the past several years, I. Persch Transit has requested permission to use a Persch-owned 11-passenger van to transport riders to Schenectady and discontinue use of the County-owned 47-passenger MCI Commuter Coach; and

WHEREAS, the County must apply for a “small vehicle waiver” to the NYS Department of Transportation to obtain approval to use the smaller vehicle within the auspices of the grant-funded program; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to submit a waiver request to the NYS Department of Transportation to allow I. Persch Transit, Inc. to utilize an 11-passenger van to operate the Fulton County sponsored commuter run to Schenectady; and, be it further

RESOLVED, That the Chairman of the Board and Planning Director do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, I. Persch Transit, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency who will further the purport of this Resolution.

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

Total: Ayes: 502 (19) Nays: 53 (1) (Supervisor DiGiacomo)

Resolution No. 62

Supervisor BRADT offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING REQUEST FOR PROPOSALS FOR ENGINEERING SERVICES FOR TRYON TECHNOLOGY PARK AND INCUBATOR CENTER PROJECT

WHEREAS, the 2012 Capital Plan identifies a Tryon Technology Park/Regional Business Park Projects; and

WHEREAS, creation of the Tryon Technology Park and Incubator Center will require the hiring of an engineering firm; and

WHEREAS, said engineering costs will be eligible costs for an Empire State Development grant award to the County for the Project; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to solicit proposals for engineering services for the Tryon Technology Park and Incubator Center Project (and according to further specifications) which may be obtained at the Office of the Purchasing Agent, Room 205, County Building, Johnstown, NY, 12095, during usual business hours; and, be it further

RESOLVED, That such proposals must be addressed to Jon R. Stead, Purchasing Agent, Room 205, County Building, Johnstown, NY 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, March 21, 2012, at which time and place they will be publicly opened and read; and, be it further

RESOLVED, That the Board of Supervisors reserves the right to reject any or all proposals; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, Budget Director/County Auditor and Administrative Officer/ Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 63

Supervisor BRADT offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING REQUEST FOR PROPOSALS FOR TITLE WORK
FOR TRYON TECHNOLOGY PARK AND INCUBATOR CENTER PROJECT**

WHEREAS, the 2012 Capital Plan identifies a Tryon Technology Park/Regional Business Park Projects; and

WHEREAS, creation of the Tryon Technology Park and Incubator Center will require the hiring of an Title Research Work firm; and

WHEREAS, said Title Research Work costs will be eligible costs for an Empire State Development grant award to the County for the Project; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to solicit proposals for Title Research Work for the Tryon Technology Park and Incubator Center Project (and according to further specifications) which may be obtained at the Office of the Purchasing Agent, Room 205, County Building, Johnstown, NY, 12095, during usual business hours; and, be it further

RESOLVED, That such proposals must be addressed to Jon R. Stead, Purchasing Agent, Room 205, County Building, Johnstown, NY 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, March 21, 2012, at which time and place they will be publicly opened and read; and, be it further

RESOLVED, That the Board of Supervisors reserves the right to reject any or all proposals; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, Budget Director/County Auditor and Administrative Officer/ Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 64

Supervisor BRADT offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING REQUEST FOR PROPOSALS FOR PROPERTY
SURVEY FOR TRYON TECHNOLOGY PARK AND INCUBATOR CENTER PROJECT**

WHEREAS, the 2012 Capital Plan identifies a Tryon Technology Park/Regional Business Park Projects; and

WHEREAS, creation of Tryon Technology Park and Incubator Center will require preparation of a property survey of the site; and

WHEREAS, said survey costs will be eligible costs for an Empire State Development grant award to the County for the Project; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to solicit proposals for survey work for the Tryon Technology Park and Incubator Center Project (and according to further specifications) which may be obtained at the Office of the Purchasing Agent, Room 205, County Building, Johnstown, NY, 12095, during usual business hours; and, be it further

RESOLVED, That such proposals must be addressed to Jon R. Stead, Purchasing Agent, Room 205, County Building, Johnstown, NY 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, March 21, 2012, at which time and place they will be publicly opened and read; and, be it further

RESOLVED, That the Board of Supervisors reserves the right to reject any or all proposals; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, Budget Director/County Auditor and Administrative Officer/ Clerk of the Board.

Seconded by Supervisor HANDY and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 65

Supervisors BRADT AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AMENDING RESOLUTION 488 OF 2011 TO REFLECT
A DECREASE IN CONTRACT AMOUNT FOR FULTON COUNTY
SOIL AND WATER CONSERVATION DISTRICT (2012)

WHEREAS, Resolution 488 of 2011 authorized a contract between Fulton County and the Soil and Water Conservation District for 2012 in the amount of \$40,520.00; and

WHEREAS, Soil and Water Conservation District has sent a letter stating that membership in the Greater Adirondack Resource Conservation and Development District is no longer worthwhile; and

WHEREAS, the Committees on Economic Development & Environment and Finance recommend accepting Soil and Water Conservation District's request to discontinue membership in the Greater Adirondack Resource Conservation and Development District; and

WHEREAS, the County allocation to the Soil and Water Conservation District included \$1,500.00 earmarked for membership dues in the Greater Adirondack Resource Conservation and Development District; now, therefore be it

RESOLVED, That the Chairman of the Board of Supervisors be and hereby is authorized to sign an amended contract with Soil and Water Conservation District to reflect a decrease in funding from \$40,520.00 to \$39,020.00; and, be it further,

RESOLVED, That said amended contract shall be subject to the approval of the County Attorney; and, be it further

RESOLVED, That 2012 Adopted Budget be and hereby is amended as follows:

Decrease	A-081-0599.000	Appropriated Fund Balance	\$1,500.00
Appropriation:			
Decrease	A-725-8730.417	Soil and Water Conservation-Expense	\$1,500.00

and, be if further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, NYS Soil Conservation Committee (Ithaca, NY), Fulton County Soil and Water Conservation District, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor WALDRON and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 66

Supervisor BRADT offered the following Resolution and moved its adoption:

**RESOLUTION APPOINTING ALTERNATE MEMBERS TO
THE FISH AND WILDLIFE MANAGEMENT BOARD**

WHEREAS, vacancies for alternate representatives currently exist on the Fish and Wildlife Management Board; now, therefore be it

RESOLVED, That the following persons be and hereby are appointed as alternate members to the Fish and Wildlife Management Board for terms as specified below:

January 1, 2011 through December 31, 2012:

Vernon Duesler III Landowner Representative (alternate)

January 1, 2012 through December 31, 2013:

Darren A. Smith Sportsman Representative (alternate)

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Fish and Wildlife Management Board, All Appointees and Administrative Officer/Clerk of the Board.

Seconded by Supervisor KEMPER and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 67

Supervisor BRADT offered the following Resolution and moved its adoption:

**RESOLUTION APPOINTING BRIAN SEELEY TO THE FULTON-MONTGOMERY-
SCHOHARIE WORKFORCE DEVELOPMENT BOARD**

WHEREAS, vacancies currently exist on the F-M-S Workforce Development Board; and

WHEREAS, in accordance with federal regulations, the Fulton County Regional Chamber of Commerce and Industry nominated Mr. Brian Seeley of Patriot Federal Bank to serve as a private sector board member; now, therefore be it

RESOLVED, That upon the recommendation of the Committee on Economic Development and Environment, Brian Seeley, of Gloversville, NY, be and hereby is appointed to the F-M-S Workforce Development Board, as a “Private Sector” representative effective for the balance of the term July 1, 2011 through June 30, 2014; and, be it further

RESOLVED, That Mr. Seeley is required to complete the Fulton County Board of Ethics Financial Disclosure Statement and sign the Fulton County Oath Book located in the Fulton County Clerk’s Office; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Clerk, Fulton County Ethics Board, Workforce Development Board, Fulton County Chamber of Commerce, Brian Seeley and Administrative Officer/Clerk of the Board.

Seconded by Supervisor PONTICELLO and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 68

Supervisor BRADT offered the following Resolution and moved its adoption:

RESOLUTION AMENDING FULTON COUNTY BOARD OF SUPERVISORS WEIGHTED VOTING PLAN

WHEREAS, Resolution No. 343 of 1968, entitled “Resolution to Approve Proposal No. 1 Computerized Voting Plan”, adopted a weighted voting plan to satisfy Constitutional requirements; and

WHEREAS, said plan was adopted and implemented pursuant to decisions of the Supreme Court of the State of New York; and

WHEREAS, Resolution 319 of 2011 amended the Board of Supervisors Weighted Voting Plan to reflect results of the 2010 U.S. Census; and

WHEREAS, a state statute enacted in 2010 altered the law governing apportionment for weighted voting and redistricting to require that prison inmates must be considered residents of their geographic location prior to incarceration, rather than their incarceration location; and

WHEREAS, according to the 2010 U.S. Census, the Town of Johnstown has 431 prisoners incarcerated; and

WHEREAS, the recalculation changes Johnstown’s total 2010 population from 7098 to 6667 and the County population from 55,531 to 55,100; now, therefore be it

RESOLVED, That the Board of Supervisors hereby amends Resolutions 342 of 1968, 597 of 2001, and 319 of 2011, respectively, to revise the Weighted Voting Plan as follows:

<u>Town</u>		<u>Johnstown</u>		<u>Gloversville</u>	
Bleecker	5	Ward 1	23	Ward 1	26
Broadalbin	53	Ward 2	21	Ward 2	23
Caroga	12	Ward 3	21	Ward 3	28
Ephratah	17	Ward 4	22	Ward 4	28
Johnstown	67			Ward 5	25
Mayfield	65			Ward 6	27
Northampton	27				
Oppenheim	19				
Perth	36				
Stratford	6				

Total Weighted Vote: 551

Resolution No. 68 (continued)

RESOLVED, That said new plan will be effective immediately, and be reflected as an amendment to the Rules of Order; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, County Clerk, Planning Director, Board of Elections, Fulton County Code, All Fulton County Municipalities, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 484 (19) Nays: 71 (1) (Supervisor MacVean)

Resolution No. 69

Supervisor BRADT offered the following Resolution and moved its adoption:

RESOLUTION OPPOSING THE LIMITS ON HOME RULE IMPOSED BY THE POWER NY ACT OF 2011 AND ARTICLE X LAW

WHEREAS, New York State enacted legislation known as the Power NY Act of 2011; and

WHEREAS, said legislation amended the Public Service Law by adding a new Article 10, which established a New York State Board of Electrical Generation Siting and the Environment; and

WHEREAS, said Board will have the authority to permit the siting of electrical generating facilities in the State which have a nameplate generating capacity of twenty-five thousand kilowatts or more; and

WHEREAS, the Power NY Act of 2011 removes decision-making regarding the siting of electrical generating facilities from local municipalities; and

WHEREAS, the large majority of said State Board's membership will have no connection to the affected communities and will not be directly affected by their decisions; and

WHEREAS, said law follows a disturbing trend in New York State to remove powers from local jurisdictions; now, therefore be it

RESOLVED, That the Board of Supervisors hereby expresses its opposition to the limits upon home rule included within the enactment of the Power NY Act of 2011; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Governor Andrew Cuomo, Senator Hugh Farley, Assemblyman Marc Butler, Coalition on Article X (COAX), Association of Towns, NYSAC and Administrative Officer/Clerk of the Board.

Seconded by Supervisor FAGAN and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 70

Supervisors BRADT AND FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING CONTRACT BETWEEN THE SOLID
WASTE DEPARTMENT AND MOHAWK PAPER FOR SALE
OF GAS EMISSION CARBON CREDITS**

WHEREAS, Resolution 505 of 2007 authorized a contract with Environmental Capital, LLC to market Fulton County Landfill gas-to-energy plant carbon credits; and

WHEREAS, Environmental Capital, LLC marketing efforts have identified purchaser Mohawk Paper of Cohoes, NY, said firm having proposed to enter a purchase agreement for County carbon credits related to the period October 1, 2011 through December 31, 2011; now, therefore be it

RESOLVED, That upon the recommendation of the Solid Waste Director and Committees on Economic Development & Environment and Finance, the Chairman of the Board be and hereby is authorized to sign a contract between the Solid Waste Department and Mohawk Paper, of Cohoes, NY, for the sale of projected Fulton County landfill gas-to-energy plant carbon credits, as follows:

	<u>Voluntary Carbon Units (VCU)</u>	<u>Price Per VCU</u>	<u>Total</u>
2011	5,000	\$3.50	\$17,500.00

and, be it further

RESOLVED, That said contract is contingent upon approval by the County's Special Legal Counsel for environmental issues; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Solid Waste Director, Environmental Capital, Mohawk Paper, Miller, Mannix, Schachner and Hafner, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 71

Supervisors BRADT AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION ESTABLISHING NEW ACCOUNT TO FACILITATE LANDFILL GAS PRODUCTION AND SALES

WHEREAS, Resolution 429 of 2006 authorized distribution of a Request for Proposals for development of viable Landfill Gas Utilization Project; and

WHEREAS, Resolution 111 of 2007 authorized a Gas Assignment Contract and property lease between the Solid Waste Department and Innovative Energy Systems, Inc., to operate a landfill gas utilization plant at the Fulton County Landfill; and

WHEREAS, Resolution 505 of 2007 authorized a contract between the Solid Waste Department and Environmental Capital LLC to pursue greenhouse gas (GHG) emission carbon credits for the Gas-to-Electric Project; and

WHEREAS, the Director of Solid Waste has recommended the establishment of a new line item in the 2012 Solid Waste Department Budget to facilitate on-going expenditures related to carbon credit verification and carbon credit sales associated with the Landfill Gas-to-Electric Program including the following:

- Project Design Document (PDD) Updates
- Market Registration Costs
- Verification and Validation Costs

now, therefore be it

RESOLVED, That the County Treasurer be and hereby is directed to make the following transfer:

From: EW-865-8162.414 – Cent. Landfill-Oprns. Maintenance Contracts
To: EW-865-8162.420 – Cent. Landfill-Oprns. Methane/Carbon Credit Expense (new)
Sum: \$25,000.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Solid Waste Department, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 72

Supervisor BRADT offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING CONTRACT BETWEEN THE SOLID WASTE
DEPARTMENT AND TAYLOR RECYCLING TO ACCEPT LANDFILL ALTERNATE
DAILY COVER MATERIAL (2012)**

WHEREAS, Taylor Recycling of Montgomery, NY, desires to utilize the Fulton County Landfill for disposal of approximately 8,500 tons of Alternate Daily Cover material; and

WHEREAS, the Solid Waste Director and Committee Economic Development and Environment recommends contracting with Taylor Recycling for said purpose; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract between the Solid Waste Department and Taylor Recycling for disposal of Alternate Daily Cover material at the Fulton County Landfill, at a rate of \$15.00 per ton with an estimated disposal of 8,500 tons, effective retroactive to January 1, 2012 through December 31, 2012, and, be it further

RESOLVED, That said contract is subject to the approval of the County Attorney; and, be it further

RESOLVED, That the proceeds shall be deposited into Revenue Account EW-083-2130.000 Landfill-Tipping Fees, and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Solid Waste Director, Taylor Recycling, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor FAGAN and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 73

Supervisor BRADT offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING CONTRACT BETWEEN THE SOLID WASTE
DEPARTMENT AND LEADER HERALD FOR ANNUAL NEWSPAPER
ADVERTISING (2012)

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract between the Solid Waste Department and *The Leader Herald*, of Gloversville, NY for annual newspaper advertising, commencing January 1, 2012 through December 31, 2012, at a cost of \$12.00 per column inch; and, be it further

RESOLVED, That said contract is subject to the approval of the County Attorney; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Solid Waste Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor WALDRON and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 74

Supervisor DIGIACOMO offered the following Resolution and moved its adoption:

**RESOLUTION APPOINTING MARIE BORN TO THE
PUBLIC HEALTH ADVISORY COMMITTEE**

WHEREAS, a vacancy exists on the Public Health Advisory Committee; now, therefore be it

RESOLVED, That Marie Born, of Gloversville, NY, be and hereby is appointed to the Public Health Advisory Committee as a consumer, effective immediately through December 31, 2012; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Public Health Director, Marie Born and Administrative Officer/Clerk of the Board.

Seconded by Supervisor KEMPER and adopted by the following vote:

Total: Ayes: 529 (19) Nays: 0 Abstentions: 26 (1) (Supervisor Born)

Resolution No. 75

Supervisor DIGIACOMO offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING CONTRACT BETWEEN THE PUBLIC HEALTH
DEPARTMENT AND TRAC SERVICES, LLP FOR ITINERANT OCCUPATIONAL
THERAPY SERVICES IN 2012 (PRESCHOOL ED 3-5 PROGRAM)**

WHEREAS, Resolution 444 of 2011 authorized contracts with certain occupational therapists to provide occupational therapy services; and

WHEREAS, the Public Health Director requests an additional contract with TRAC Services of Latham, NY to provide occupational therapy services; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract between the County of Fulton and TRAC Services of Latham, NY, retroactive from January 1, 2012 through December 31, 2012, at a rate of \$55.00 per hour for up to one hour and \$65.00 for one hour or more, all inclusive; and, be it further

RESOLVED, That said contract shall be subject to the approval of the County Attorney; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Public Health Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 76

Supervisors DIGIACOMO AND FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AMENDING RESOLUTION 440 OF 2011 TO REFLECT INCREASE IN
CONTRACT WITH P&NP, INC. FOR RMS SOFTWARE MAINTENANCE**

WHEREAS, Resolution 440 of 2011 authorized contract a between the Fulton County Residential Health Care Facility and P&NP, Inc. for a RMS Software maintenance contract at a cost of \$6,600.00 for 2012; and

WHEREAS, during 2011, two additional modules were added at a cost of \$1,230.00 for software maintenance support; and

WHEREAS, the Nursing Home Administrator and Committees on Human Services and Finance recommend accepting said increase; now, therefore be it

RESOLVED, That the Chairman of the Board of Supervisors be and hereby is authorized and directed to sign an amended contract with P&NP, Inc. for RMS Software maintenance at a not-to-exceed cost of \$7,830.00 per year for 2012; and, be it further

RESOLVED, That said contract shall be subject to the approval of the County Attorney; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Nursing Home Administrator, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HOWARD and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 77

Supervisors DIGIACOMO AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING TEMPORARY EXTENSION OF FUNDING FOR
NURSING SERVICE (CHHA) IN 2012

WHEREAS, Resolution 270 of 2011 authorized the emergency closure plan for the Fulton County Nursing Service due to resignation of nurses; and

WHEREAS, additional funding is necessary for pending expenses associated with closure of the Nursing Service (CHHA); now, therefore be it

RESOLVED, That the 2012 Adopted Budget be and hereby is amended to extend funding for the Nursing Service (CHHA) as follows:

Revenue Account:

A-083-1610.000 Home Health Agency	\$3,730.00
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Appropriation Accounts:

A-435-4110.408 CHHA-Telephone	\$ 90.00
A-435-4110.413 CHHA-Maintenance Contracts	350.00
A-435-4110.414 CHHA-Audit	3,240.00
A-435-4110.430 CHHA-Cash Assessment	<u>50.00</u>
	\$ 3,730.00

and, be it further,

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Nursing Home Administrator, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor PONTICELLO and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 78

Supervisor DIGIACOMO offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING CONTRACT BETWEEN THE SOCIAL
SERVICES DEPARTMENT AND DNA DIAGNOSTICS CENTER
FOR PARENTAGE TESTING SERVICES**

WHEREAS, Resolution 453 of 2011 authorized a contract with Orchid Cellmark for 2012 to provide parentage testing for child support cases; and

WHEREAS, Orchid Cellmark has been purchased by Lab Corp and Lab Corp has divested its parentage testing business to DNA Diagnostic Center; now, therefore be it

RESOLVED, That the Chairman of the Board of Supervisors be and hereby is authorized and empowered to sign a contract between the Fulton County Social Services Department and DNA Diagnostic Center for parentage testing services as a cost of \$59.00 per person, effective immediately through December 31, 2012; and, be it further

RESOLVED, That such contract shall be subject to the approval of the Social Services Attorney; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Social Services Commissioner, Social Services Attorney, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 79

Supervisor HOWARD offered the following Resolution and moved its adoption:

**RESOLUTION ADOPTING FULTON COUNTY WORKPLACE
VIOLENCE PREVENTION POLICY STATEMENT**

WHEREAS, pursuant to NYS Labor Law, Article 2, Section 27-b, Fulton County must adopt and implement a Workplace Violence Prevention Program; and

WHEREAS, the Personnel Director has prepared a Violence Prevention Policy Statement, as the first step in complying with said Labor Law; now, therefore be it

RESOLVED, That by this Resolution, the Fulton County Board of Supervisors hereby adopts a Fulton County Workplace Violence Prevention Policy, as attached hereto and made a part hereof; and, be it further

RESOLVED, That the Personnel Director do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Personnel Director, All Department Heads and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

Total: Ayes: 20 Nays: 0

FULTON COUNTY WORKPLACE VIOLENCE PREVENTION POLICY

Fulton County is committed to the safety and security of our employees. Workplace violence presents a serious occupational safety hazard to our agency, staff, and clients. Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on Fulton County property will be thoroughly investigated and appropriate action will be taken. Individuals who engage in this behavior may be removed from Fulton County's property and are subject to disciplinary and/or personnel action up to and including termination, consistent with Fulton County policies, rules and collective bargaining agreements, Civil Service Law, and/or referral to law enforcement authorities for criminal prosecution. The Board of Supervisors, officials, department heads, staff, volunteers, vendors, contractors, consultants, and others, who do business with the County are expected to maintain a working environment free from violence, threats of violence, intimidation, harassment, coercion, or other threatening behavior towards people or property and to create an environment of mutual respect for each other as well as clients, following all policies, procedures and program requirements.

This policy is designed to meet the requirements of NYS Labor Law 27b and highlights some of the elements that are found within our Workplace Violence Prevention Program. The process involved in complying with this law included a workplace evaluation that was designed to identify the workplace violence hazards our employees could be exposed to. Other tools that were utilized during this process included establishing a committee made up of management and Authorized Employee Representatives who will have an ongoing role of participation in the evaluation process, recommending methods to reduce or eliminate the hazards identified during the process and investigating workplace violence incidents or allegations. All employees will participate in the annual Workplace Violence Prevention Training Program.

The goal of this policy is to promote the safety and well-being of all people in our workplace. All incidents of violence or threatening behavior will be responded to immediately upon notification. Fulton County has identified response personnel that include a member of management and an employee representative. If appropriate, Fulton County will provide counseling services or referrals for employees.

All Fulton County personnel are responsible for notifying the contact person designated below of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received. Additionally, personnel are encouraged to report behavior that they reasonably believe poses a potential for workplace violence.

Designated Contact Person:

Theresa Souza, Director of Personnel
Fulton County Personnel Department
1 E. Montgomery Street, Johnstown, NY 12095

(518) 736-5574

Resolution No. 80

Supervisor HOWARD offered the following Resolution and moved its adoption:

**RESOLUTION RECLASSIFYING TYPIST POSITION TO
PERSONNEL CLERK IN THE PERSONNEL DEPARTMENT**

WHEREAS, the Personnel Director has reviewed the duties and responsibilities of a Typist position in the Personnel Department and has determined that said title should be reclassified to Personnel Clerk to more accurately reflect the duties of said position; now, therefore be it

RESOLVED, That upon the recommendation of the Personnel Director and Committee on Personnel, effective immediately, a Typist position in the Personnel Department(Non-Union Job Group A/T-1; start rate \$21,819.00) be and hereby is reclassified to Personnel Clerk (Non-Union Job Group A/T-1; start rate of \$21,819.00; and, be it further

RESOLVED, That the Personnel Director do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Personnel Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor KINOWSKI and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 81

Supervisor HOWARD offered the following Resolution and moved its adoption:

RESOLUTION WAIVING RESIDENCY RULE FOR HIRE OF FULL-TIME AND PER DIEM EMERGENCY SERVICES DISPATCHERS IN THE SHERIFF'S DEPARTMENT (2012)

WHEREAS, the Sheriff has advised that there is a shortage of trained full-time and per diem Emergency Services Dispatchers in the Fulton County region; and

WHEREAS, the Sheriff recommends that applicants who are not residents of Fulton County be considered; and

WHEREAS, the Committees on Public Safety and Personnel recommend waiving the County's "Residency Rule" to hire out-of-county residents in this instance only for the year 2012; now, therefore be it

RESOLVED, That the County "Residency Rule" be and hereby is waived for the hire of full-time and per diem Emergency Services Dispatchers in the Sheriff's Department, through December 31, 2012; and, be it further

RESOLVED, That the Sheriff be and hereby is authorized to fill vacant positions of Emergency Services Dispatchers with out-of-county residents for 2012 only and that future vacant positions should be filled in accordance with normal residency requirements; and, be it further

RESOLVED, That the Vacancy Review Policy shall remain in full force and effect; and, be it further

RESOLVED, That the Sheriff and Personnel Director do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Sheriff, Personnel Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor DIGIACOMO and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 82

Supervisor HOWARD offered the following Resolution and moved its adoption:

**RESOLUTION APPOINTING LISA QUEENEY TO THE
FULTON COUNTY ETHICS BOARD**

WHEREAS, a vacancy exists on the Fulton County Ethics Board, due to the resignation of James Izzo; and

WHEREAS, the Committee on Personnel has reviewed several applications to serve on said advisory board; now, therefore be it

RESOLVED, That Lisa Queeney, of Gloversville, NY, be and hereby is appointed to the Fulton County Ethics Board, to serve a term of January 1, 2011 through December 31, 2014; and, be it further

RESOLVED, That Ms. Queeney is required to complete the Fulton County Board of Ethics' Financial Disclosure Statement and is further directed to sign the Fulton County Oath Book located in the Fulton County Clerk's Office; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Clerk, Fulton County Ethics Board, Lisa Queeney and Administrative Officer/Clerk of the Board.

Seconded by Supervisor ARGOTSINGER and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 83

Supervisors WALDRON AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION RE-ALLOCATING CERTAIN 2011 HOMELAND SECURITY GRANT FUNDS IN THE CIVIL DEFENSE DEPARTMENT

WHEREAS, Resolution 382 of 2011 accepted 2011 Homeland Security Program funds from the NYS Division of Homeland Security and Emergency Services; and

WHEREAS, the Civil Defense Department share of this grant was \$81,426.00, to supplement Emergency Preparedness activities; and

WHEREAS, the Civil Defense Director has identified and requested purchase of the following equipment and computer software:

ISI Thermal Imager Camera w/echo seeker	\$ 17,200.00
Linstar Mobile Badging and Management System	22,037.17
Two (2) Smoke Generators - \$2,785 each	5,570.00
Four (4) Liquid Smoke for Generators - \$248 each	992.00
SCBA Fit Test Machine	17,427.98
Confined Space Life Safety Kit	4,958.85
Two (2) AED Defibrillators - \$2,495 each	4,990.00
Pictometry Photo Software/Course Recording	8,250.00
Equipment (Planning Department)	
	<hr/>
	\$ 81,426.00

now, therefore be it

RESOLVED, That upon the recommendation of the Civil Defense Director and Committees on Public Safety and Finance, the Civil Defense Director be and hereby is authorized expend 2011 Homeland Security Grant funds to purchase the equipment identified herein; and, be it further

RESOLVED, That the 2012 Adopted Budget be and hereby is amended, as follows:

Revenue Account:

A-083-3306.001 Civil Defense SHSP	\$ 81,426.00
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Appropriation Account:

A-385-3645.201 Civil Def SHSP Equipment	\$ 81,426.00
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and, be it further

Resolution No. 83 (Continued)

RESOLVED, That the Civil Defense Director and County Treasurer do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Civil Defense Director, Budget Director/County Auditor, Administrative Officer/Clerk of the Board and to each and every other person, institution or agency who will further the purport of this Resolution.

Seconded by Supervisor BRADT and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 84

Supervisors WALDRON AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION RE-ALLOCATING CERTAIN 2010 COMPANION ANIMAL SHELTERING GRANT FUNDS IN THE CIVIL DEFENSE DEPARTMENT

WHEREAS, Resolution 53 of 2011 accepted a 2010 Companion Animal Sheltering Equipment (CASE) Grant through the NYS Office of Homeland Security, in an amount of \$37,800.00; and

WHEREAS, Resolution 414 of 2011 rescinded Resolution 53 of 2011 because purchases through said grant were not made in 2011; and

WHEREAS, Resolution 53 of 2011 further required that the Civil Defense/Fire Coordinator resubmit a request for CASE grant fund purchases as early as practical in 2012; now, therefore be it

RESOLVED, That the Civil Defense/Fire Coordinator be and hereby is authorized to purchase equipment, supplies and training, in approximate amounts, as follows:

Storage Trailer	\$10,943.00
Two (2) Generators	2,000.00
Corral Kit	800.00
Miscellaneous Supplies	19,057.00
Training/Exercises	<u>5,000.00</u>
	\$37,800.00

and, be it further

RESOLVED, That the 2012 Adopted Budget be and hereby is amended, as follows:

Revenue Account:

A-083-3306.002 Civil Def-CASE	\$37,800.00
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Appropriation Accounts:

A-385-3645.202 Civil Def-CASE-Equip	\$ 13,743.00
A-385-3645.402 Civil Def-CASE-Contractual	<u>24,057.00</u>
	\$ 37,800.00

and, be it further

Resolution No. 84 (Continued)

RESOLVED, That the Civil Defense/Fire Coordinator do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Civil Defense/Fire Coordinator, Budget Director/County Auditor, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency who will further the purport of this Resolution.

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

Total: Ayes: 384 (15) Nays: 171 (5) (Supervisors Argotsinger, Callery, DiGiacomo, Howard and Kemper)

Resolution No. 85

Supervisors WALDRON AND FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR
COMPANION ANIMAL SHELTERING GRANT STORAGE TRAILER
FOR THE CIVIL DEFENSE DEPARTMENT (100% GRANT FUNDS)**

WHEREAS, a 2010 Companion Animal Sheltering Equipment (CASE) Grant was awarded to the County of Fulton; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for sealed bids for the purchase of a Storage Trailer (and according to further specifications which may be obtained at the Office of the Purchasing Agent, County Office Building, Room 205, Johnstown, NY, 12095, during usual business hours); and, be it further

RESOLVED, That such sealed bids must be addressed to the Jon R. Stead, Purchasing Agent, County Office Building, Room 205, Johnstown, NY, 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, March 21, 2012, at which time and place they will be publicly opened and read; and, be it further

RESOLVED, That the Board of Supervisors reserves the right to reject any or all bids; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Civil Defense/Fire Coordinator and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

Total: Ayes: 384 (15) Nays: 171 (5) (Supervisors Argotsinger, Callery, DiGiacomo, Howard and Kemper)

Resolution No. 86

Supervisor WALDRON offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING INTER-DEPARTMENTAL CHARGEBACK BETWEEN
THE STOP-DWI PROGRAM AND THE PROBATION DEPARTMENT FOR
COLLECTION OF STOP-DWI FINES FOR 2012**

WHEREAS, Resolution 338 of 2010 originally authorized an inter-departmental chargeback between the STOP-DWI Program and the Probation Department for collection of STOP-DWI fines as a pilot program through December 31, 2010, and Resolution 198 of 2011 extended said program through 2011; and

WHEREAS, inasmuch as said pilot program has been successful, the District Attorney, STOP-DWI Coordinator and Probation Director recommend its continuation in 2012; now, therefore be it

RESOLVED, That the Probation Director be and hereby is authorized to charge back actual costs to the STOP-DWI Program for the collection and distribution of STOP-DWI fines, effective January 1, 2012 through December 31, 2012, at a cost not to exceed \$5,000.00; and, be it further

RESOLVED, That the District Attorney, STOP-DWI Coordinator and Probation Director do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, District Attorney, Probation Director, STOP-DWI Coordinator, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 87

Supervisors WALDRON AND FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AMENDING 2012 BUDGET TO UTILIZE
INSURANCE RECOVERY FUNDS FOR BOAT REPAIRS**

WHEREAS, a Sheriff's 1994 Boston Whaler patrol boat (ID #0002316) was destroyed by fire on July 10, 2011 and was disposed of in the County landfill, pursuant to Resolution 42 of 2012; and

WHEREAS, an insurance recovery check, in the amount of \$17,414.58, has been received to cover the loss; and

WHEREAS, the Sheriff requests permission to use said insurance recovery funds for repairs to the Sheriff's remaining 15' 1999 Boston Whaler patrol boat (ID #0005018); now, therefore be it

RESOLVED, That the 2012 Adopted Budget be and hereby is amended, as follows:

Revenue Account:

A-083-2680.000 Insurance Recoveries	\$17,415.00
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Appropriation Account:

A-305-3110.403 Sheriff Dept-Repairs, Reg Tuneups	\$17,415.00
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and, be it further

RESOLVED, That the Sheriff and Purchasing Agent do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Sheriff, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor KINOWSKI and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 88

Supervisors WALDRON AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION SETTING DATE OF PUBLIC HEARING ON PROPOSED LOCAL LAW “A” OF 2012 ENACTING A LOCAL WIRELESS SURCHARGE

WHEREAS, there has been duly presented and introduced at a meeting of the Fulton County Board of Supervisors, held on February 13, 2012, a proposed local law entitled, “LOCAL LAW ENACTING A LOCAL WIRELESS SURCHARGE”; now, therefore be it

RESOLVED, That a public hearing shall be held for said proposed Local Law “A” of 2012 by the Fulton County Board of Supervisors on Monday, March 12, 2012, at 1:30 p.m., in the Supervisors Chambers, County Office Building, Johnstown, NY, and that at least seven days’ notice (excluding Sundays) of such public hearing be given by the Clerk of the Board by duly posting upon the bulletin boards in the Fulton County Office Building, Johnstown, NY, and by publication at least once in the official Fulton County newspaper; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, Administrative Officer/Clerk of the Board and to each and every other person, institution or agency who will further the purport of this Resolution.

Seconded by Supervisor HANDY and adopted by the following vote:

Total: Ayes: 453 (16) Nays: 102 (4) (Supervisors Born, Callery, Gendron, and Kemper)

LOCAL LAW “A” OF 2012
ENACTING A WIRELESS SURCHARGE

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF FULTON AS FOLLOWS:

Section 1. Pursuant to the authority of Section 308-k of the County Law, the County of Fulton hereby imposes a surcharge of thirty cents (\$.30) per month on wireless communications service in the County of Fulton. The surcharge shall be imposed on each wireless communications device and shall be reflected and made payable on bills rendered for wireless communications service that is provided to a customer whose place of primary use is within the County. For purposes of this local law, the term “place of primary use” shall mean the street address that is representative of where the customer’s use of the wireless communications service primarily occurs, which address must be:

- (a) the residential street address or the primary business street address of the customer; and
- (b) within the licensed service area of the wireless communications service supplier.

A wireless communications service supplier may treat the address used by such supplier for any wireless communications customer under a service contract or agreement in effect on the effective date of the local law as that customer’s place of primary use for the remaining term of such service contract or agreement, excluding any extension or renewal of such service contract or agreement, for purposes of determining the taxing jurisdiction with respect to taxes on wireless communications service. Such surcharge shall be added by such wireless communications service suppliers to the billings of their customers as of June 1, 2012.

Section 2. The surcharge provided for herein shall not apply to wireless communications devices of the County of Fulton, or any municipal entity within the County of Fulton.

Section 3. Each wireless communications service supplier serving the County of Fulton shall act as collection agent for the County and shall remit the funds collected pursuant this local law to the County Treasurer of the County of Fulton. Such funds shall be remitted no later than thirty (30) days after the last business day of the month. Each wireless communications service supplier shall be entitled to retain, as an administrative fee, an amount equal to two percent (2%) of its collections of the surcharge imposed by this local law. The surcharge required to be collected by such wireless communications service suppliers shall be added to and separately stated in their billings to customers.

Section 4. Each wireless communications service customer who is subject to the provisions of this local law shall be liable to the County of Fulton for such surcharge until it has been paid to the County, except that payment to a wireless communications service supplier is sufficient to relieve such customer from further liability for such surcharge.

Section 5. No wireless communications service supplier shall have a legal obligation to enforce the collection of the surcharge imposed by this local law; provided, however, that whenever the wireless communications service supplier remits the funds collected to the County of Fulton, it shall also provide the County with the name and address of any customer refusing or failing to pay the surcharge imposed by this local law and shall state the amount of such surcharge remaining unpaid.

Section 6. Each wireless communications service supplier shall annually provide to the County of Fulton an accounting of the surcharge amounts billed and collected.

Section 7. All surcharge monies remitted to the County of Fulton by a wireless communication service supplier shall be expended only as provided in Section 325, subdivision 16, of the County Law.

Section 8. This local law shall take effect upon filing with the Office of the NYS Secretary of State.

Resolution No. 89

Supervisors WALDRON AND HOWARD offered the following Resolution and moved its adoption:

RESOLUTION WAIVING RESIDENCY RULE FOR HIRE OF PER DIEM REGISTERED NURSES AT THE FULTON COUNTY CORRECTIONAL FACILITY FOR 2012

WHEREAS, the Sheriff has advised that he has had difficulty recruiting Registered Nurses in Fulton County interested in working in the Fulton County Correctional Facility; and

WHEREAS, the Sheriff recommends that applicants who are not residents of Fulton County be considered; and

WHEREAS, the Committees on Public Safety and Personnel recommend waiving the County's "Residency Rule" to hire out-of-county residents in this instance only for the year 2012; now, therefore be it

RESOLVED, That the County "Residency Rule" be and hereby is waived for the hire of per diem Registered Nurses in the Sheriff's Department, through December 31, 2012; and, be it further

RESOLVED, That the Sheriff be and hereby is authorized to fill vacant positions of per diem Nurses in the Correctional Facility with out-of-county residents for 2012 only and that future vacant positions should be filled in accordance with normal residency requirements; and, be it further

RESOLVED, That the Vacancy Review Policy shall remain in full force and effect; and, be it further

RESOLVED, That the Sheriff and Personnel Director do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Sheriff, Personnel Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 90

Supervisors WALDRON AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE PURCHASE OF VIDEO TELECONFERENCING EQUIPMENT IN THE FULTON COUNTY CORRECTIONAL FACILITY (2012 CAPITAL PLAN)

WHEREAS, the 2012 Capital Plan identifies Video Conferencing Equipment for the Correctional Facility; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for sealed bids for the purchase of Video Teleconferencing Equipment for use in the Fulton County Correctional Facility (and according to further specifications which may be obtained at the Office of the Purchasing Agent, County Office Building, Room 205, Johnstown, NY, 12095, during usual business hours); and, be it further

RESOLVED, That such sealed bids must be addressed to Jon R. Stead, Purchasing Agent, County Office Building, Room 205, Johnstown, NY, 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, April 18, 2012, at which time and place they will be publicly opened and read; and, be it further

RESOLVED, That the Board of Supervisors reserves the right to reject any or all bids; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Sheriff, Correctional Facility and Administrative Officer/Clerk of the Board.

Seconded by Supervisor JOHNSON and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 91

Supervisor WALDRON offered the following Resolution and moved its adoption:

**RESOLUTION APPOINTING MEMBERS TO
THE FULTON COUNTY TRAFFIC SAFETY BOARD**

WHEREAS, several vacancies exist on the Fulton County Traffic Safety Board; now, therefore be it

RESOLVED, That upon the recommendation of the Committee on Public Safety, the following individuals be and hereby are appointed to the Traffic Safety Board for the balance of the term, as follows:

January 1, 2010 Through December 31, 2012:

Anthony R. Reppenhagen
Adam Schwabrow

and, be it further

RESOLVED, That said appointees are required to complete the Fulton County Board of Ethics Financial Disclosure Statement and are further directed to sign the Fulton County Oath Book, located in the Fulton County Clerk's Office; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Clerk, District Attorney, Fulton County Board of Ethics, Traffic Safety Board, Appointees and Administrative Officer/ Clerk of the Board.

Seconded by Supervisor PONTICELLO and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 92

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION EXTENDING CONTRACT BETWEEN THE BOARD OF ELECTIONS AND PHOENIX GRAPHICS FOR ELECTION SUPPLIES AND PRINTED MATERIALS (2012)

WHEREAS, Resolution 381 of 2010 awarded a bid to Phoenix Graphics for the purchase of election supplies and printed materials for use in the Board of Elections effective January 1, 2010 through December 31, 2010, including up to two (2) one-year extensions at County option; and

WHEREAS, Resolution 148 of 2011 authorized extending the contract between the Board of Elections and Phoenix Graphics for Elections Supplies and Printed Materials effective January 1, 2011 through December 31, 2011; and

WHEREAS, the Elections Commissioners recommend said contract be extended for 2012 at current pricing, terms and conditions; now, therefore be it

RESOLVED, That the contract with Phoenix Graphics, of Rochester, NY, for election supplies and printed materials be and hereby is extended at current pricing, terms and conditions through December 31, 2012; and, be it further

RESOLVED, That the cost shall be a charge against Appropriation Account A-225-1450.453 Bd. of Elections-Off. & Elect Supp; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded the County Treasurer, Board of Elections, Phoenix Graphics, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 93

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING PURCHASE OF REPLACEMENT FOR DAMAGED
BALLOT COUNTING STATION (BOARD OF ELECTIONS)**

WHEREAS, a Board of Elections Ballot Counting Station was damaged by a water leak in the Public Health Department; and

WHEREAS, an insurance recovery check was received from New York Municipal Insurance Reciprocal in the amount of \$10,600.00 for replacement of the ballot counting station, subject to a \$1,000.00 deductible; and

WHEREAS, the Elections Commissioners have testified that the 2012 Board of Elections budget does not include sufficient funds to contribute the required deductible to facilitate replacement; now, therefore be it

RESOLVED, That the 2012 Adopted Budget be and hereby is amended, as follows:

Revenue Account:

A-083-2680.000 Insurance Recoveries	\$10,600.00
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Appropriation Account:

A-225-1450.200 Bd of Elections-Equipment	\$10,600.00
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and, be it further

RESOLVED, That the Treasurer be and hereby is authorized to make the following transfer:

From:

A-285-1990.400 Contingent Fund Expense	\$1,000.00
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To:

A-225-1450.200 Bd of Elections-Equipment	\$1,000.00
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and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Board of Elections Commissioners, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor DIGIACOMO and adopted by the following vote:

Total: Ayes: 486 (14) Nays: 69 (6) (Supervisors Callery, Capek, Johnson, Lauria, Ottuso and Potter)

Resolution No. 94

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION REVISING “SCHEDULE OF CHARGES” IN THE REAL PROPERTY TAX SERVICES AGENCY

WHEREAS, Resolution 226 of 2004 adopted a revised “Schedule of Charges” in the Real Property Tax Services Agency; and

WHEREAS, the Real Property Tax Services Agency Director recommends that said Schedule be amended to add new charges and to clarify descriptions of products offered; now, therefore be it

RESOLVED, That upon the recommendation of the Committee on Finance, a new “Schedule of Charges” be approved for the Real Property Tax Services Agency in its entirety, with revisions identified in bold, italicized print, as follows:

Photocopies:

Sizes: 8.5 x 11, 8.5 x 14, 10 x 14, 11 x 17

<u>In-House Charges</u>		<u>Cost by Mail <i>or</i> Email</u>	
1 copy	\$.50	1 copy	\$1.00
2 copies	1.00	2 copies	1.50
3 copies	1.50	3 copies	2.00
4 copies	2.00	4 copies	2.75
5 copies	2.50	5 copies	3.25
6 copies	3.00	6 copies	3.75
7 copies	3.50	7 copies	4.25
Intra-government: \$.10/page			

Engineering Copier & Plotter Copies:

30 x 42	\$10.00 each
24 x 36	8.00 each
18 x 24	6.00 each

Cost by Mail or Email

- 1-2 copies – cost of copy as listed above plus \$1.00
- 3 or more copies – cost of copy as listed above plus \$2.50

Ortho-Imagery (*Aerial Photos*):

8.5 x 11	\$5.00
8.5 x 14	8.00
11 x 17	12.50
18 x 24	15.00
24 x 36	18.00
30 x 42	25.00

Resolution No. 94 (continued)

Facsimile Charges (per page): \$1.00

Computer Charges:

Report Set Up Charge	\$35.00
Labels	\$.10/label
Screen Print	.50/page
Standard Report Print	.50/page
Files on disc	50.00/disc
Emailed files	50.00

RPS Assessment Database on CD–Entire County \$175.00 – updates within tax yr \$75.00

RPS Sales Database on CD–Entire County \$175.00 – updates within tax yr \$75.00

RPS Inventory Database on CD–Entire County \$175.00 – updates within tax yr \$75.00

RPS Extract Files on CD or Emailed \$50.00

Sales Report:

\$40.00 per year requested plus the cost to print (\$.50/page) – email no extra charge

Custom Town/City/Fire Department Database Report – Excel Format

Duplicate Owners Removed/File Cleaned:

\$35.00 to process plus the cost of labels (\$.10/ea) or printing (\$.50/page) or for report on CD (\$50.00/disc) (Emailed \$50.00)

Printed Copy of Tax Roll:

\$.50 per page

Escrow Company Contract (Includes Tax Bill Extract)

File Emailed 4 Times a Year (County, City, Village & School Rolls):

\$1,000.00 per year

\$250.00 each (Delinquent Tax Report (Excel)

Digital Tax Map Set:

\$1,000.00 for a one-year subscription including monthly updates

Partial Digital Tax Map Set:

For each municipality or assessing unit

\$.05 per parcel but does not include updates subscription

Resolution No. 94 (continued)

<u>Tax Maps:</u>		<u>E-Mailed</u>
8.5 x 11	\$ 2.00	\$ 3.00
8.5 x 14	3.50	4.50
11 x 17	5.00	6.00
18 x 24	6.00	7.00
24 x 36	8.00	9.00
30 x 42	10.00	11.00

<u>PDF Tax Maps (Copies to CD or DVD)</u>		<u>E-Mailed</u>
Single Map Section	\$ 2.50	\$ 3.50
Town of Bleeker	85.00	34 Maps
Town of Broadalbin	170.00	68 Maps
Town of Caroga	180.00	72 Maps
Town of Ephratah	65.00	26 Maps
Town of Johnstown	182.00	73 Maps
Town of Mayfield	225.00	90 Maps
Town of Northampton	157.50	63 Maps
Town of Oppenheim	100.00	40 Maps
Town of Perth	50.00	20 Maps
Town of Stratford	135.00	54 Maps
City of Gloversville	97.50	39 Maps
City of Johnstown	90.00	36 Maps
Entire County (Discount)	1,000.00	

Additional Cost for Mailing: Tax Maps, Copies or Ortho	1-2 Copies	\$2.00
	3-9 Copies	4.00
	10+ Copies	To be calculated

Additional Cost for E-Mail: Per page \$1.00 (includes scanning)

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, RPTSA Director, Budget Director/County Auditor and Administrative Officer/ Clerk of the Board.

Seconded by Supervisor HOWARD and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 95

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION DESIGNATING APPROVAL AUTHORITY TO THE COUNTY TREASURER FOR CORRECTION OF ERRORS AND/OR TAX REFUNDS LESS THAN \$2,500 (2012)

WHEREAS, NYS Real Property Tax Law, Section 554, Subdivision 9, provides that the Board of Supervisors may, by resolution, delegate its authority to authorize Corrections of Errors to a county officer when such recommended Correction of Errors is “twenty-five hundred dollars or less”; and

WHEREAS, NYS Real Property Tax Law, Section 556, Subdivision 8, provides that the Board of Supervisors may, by resolution, delegate its authority to authorize the payment of bills related to refunding of taxes without prior audit by the Board of Supervisors as the tax levying body; and

WHEREAS, Resolution 105 of 2005 delegated approval authority to the County Treasurer for certain corrections of errors related to tax exemptions; and

WHEREAS, Resolution 210 of 2002 authorized the County Auditor to make refunds of taxes and authorize payment of bills prior to audit; now, therefore be it

RESOLVED, That upon the recommendation of the Committee on Finance, the Board of Supervisors hereby authorizes the County Treasurer to approve Corrections of Errors and/or Refunds of Taxes less than \$2,500.00 in 2012, pursuant to the aforementioned laws; and, be it further

RESOLVED, said delegation of authority shall be effective during the calendar year in which it was adopted and shall be applicable only where the recommended correction is less than \$2,500.00; and, be it further

RESOLVED, That the County Treasurer shall submit a monthly report to the Board of Supervisors of any and all Corrections of Errors and/or Refunds of Taxes processed by her during the preceding month; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Real Property Tax Services Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 96

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AMENDING RESOLUTION 396 OF 2011 DESIGNATING BANKS (2012)

WHEREAS, Resolution 396 of 2011 designated M&T Bank, among others, as a depository of County funds; and

WHEREAS, the County Treasurer anticipates that M&T Bank will not be a depository of County funds in 2012; now, therefore be it

RESOLVED, That Resolution 396 of 2011 be and hereby is amended to delete M&T Bank as a designated bank for County funds; and, be it further

RESOLVED, That pursuant to Section 212 of County Law, the Board of Supervisors of Fulton County does hereby designate the following banks as depositories of County funds, the maximum amount to be deposited in the following banks not to exceed the sum set opposite their respective names, for the year 2012:

Key Bank, Gloversville	\$50,000,000.00
Bank of America, Johnstown	50,000,000.00
NBT, Johnstown	50,000,000.00
Citizens Bank, Johnstown	50,000,000.00
First Niagara	50,000,000.00
J.P. Morgan-Chase	50,000,000.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 97

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION APPROPRIATING UNUSED CAPITAL PROJECT FUNDS (HYDRAULIC EXCAVATOR) TO THE ROAD MACHINERY EQUIPMENT RESERVE

WHEREAS, the 2012 Adopted Budget appropriated \$84,984.00 for the installment lease/purchase of an Excavator for the Highways and Facilities Department; and

WHEREAS, Resolution 43 of 2012 awarded a bid for lease/purchase of an Excavator to Vantage Equipment of Latham, NY for use in the Highways and Facilities Department payable in five (5) yearly installments of \$48,041.29; and

WHEREAS, the Budget Director and Committee on Finance recommend paying the \$48,041.29 payment due in 2012 and transferring the balance of appropriated funds to the DM Equipment Reserve; now, therefore be it

RESOLVED, That the 2012 Adopted Budget be and hereby is amended as follows:

Decrease DM-081-0599.000 Approp Fund Bal Rd Machinery	\$36,942.71
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Appropriation:

Decrease DM-825-5130.419 Rd Machinery-Lease Veh vs Purchase	\$36,942.71
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and, be it further

RESOLVED, That the County Treasurer be and hereby is directed to make the following transfers:

From: DM-825-5130.419 RD Machinery-Lease Veh vs Purchase
To: DM-825-9785.600 Installment Purchase (new)
Sum: \$48,041.29

From: DM-082-0909.000 Fund Bal-Rd Machinery
To: DM-082-0884.000 Highway Equipment Reserve Fund
Sum: \$36,942.71

and, be it further

Resolution No. 97 (continued)

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor DIGIACOMO and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 98

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION ACCEPTING FINAL SETTLEMENT IN MATTER OF AWP PHARMACY
LITIGATION VERSUS MERCK**

WHEREAS, Resolution 533 of 2004 authorized a legal services agreement with Kirby, McInerney & Squire to conduct a joint lawsuit coordinated with the NYS Association of Counties and other counties to recover Medicaid overcharges from pharmaceutical companies; and

WHEREAS, Kirby McInerney (KI) submitted an installment check for the County's net share of the Merck AWP settlement, in an amount of \$2,470.59; now, therefore be it

RESOLVED, That the Board of Supervisors hereby accepts final settlement in the matter of AWP Pharmacy Litigation versus Merck, in a total amount of \$2,470.59; and, be it further

RESOLVED, That in accordance with said legal services agreement, the Chairman of the Board be and hereby is authorized to sign Form LDSS-3922 for each Settlement to the State of New York requesting reimbursement for administration costs associated with these settlements; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, Kirby McInerney & Squire, Budget Director/County Auditor, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency who will further the purport of this Resolution.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 99

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING EXTENSION OF CONTRACT WITH PROACT, INC. TO
PROVIDE A PHARMACY DISCOUNT CARD PROGRAM FOR FULTON COUNTY
RESIDENTS IN 2012**

WHEREAS, Resolution 643 of 2007 authorized a contract with Pro Act, Inc., of Gouverneur, NY, to provide pharmacy discount programs for Fulton County residents not covered by pharmacy health insurance and Resolution 501 of 2009 extended said contract through 2010; and

WHEREAS, Resolution 78 of 2011 extended said contract through 2011; and

WHEREAS, the Purchasing Agent recommends extending said contract through 2011; now, therefore be it

RESOLVED, That upon the recommendation of the Committee on Finance, the contract with Pro Act, Inc., of Gouverneur, NY, be and hereby is extended, effective January 1, 2012 through December 31, 2012, as follows:

<u>Retail</u>		<u>Mail Order</u>	
<u>Brand Name</u>	<u>Generic</u>	<u>Brand Name</u>	<u>Generic</u>
AWP less 13%	MAC or AWP	AWP less 18%	AWP less 48%
+\$4.00	less 15%	+\$3.25	+\$3. 50
	+\$4.00		

all other terms and conditions in said contract shall remain in full force and effect; and, be it further

RESOLVED, That said contract amendment is subject to the approval of the County Attorney; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Pro Act, Inc., Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HANDY and adopted by the following vote:

Total: Ayes: 20 Nays: 0

Resolution No. 100

Supervisor BRADT offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING A CONTRACT BETWEEN THE SOLID WASTE
DEPARTMENT AND VILLAGE OF CANAJOHARIE FOR USE OF THE
FULTON COUNTY LANDFILL FOR SLUDGE DISPOSAL (2012)**

WHEREAS, the Village of Canajoharie desires to utilize the Fulton County Landfill during 2012 for the disposal of sludge; now, therefore be it

RESOLVED, That upon the recommendation of the Committees on Economic Development and Environment, the Chairman of the Board be and hereby is authorized to sign a contract between the Solid Waste Department and the Village of Canajoharie for disposal of sludge at the Fulton County Landfill, at a rate of \$65.00 per ton, effective February 13, 2012 through December 31, 2012; and, be it further

RESOLVED, That said contract with the Village also includes a minimum delivery guarantee of 1,000 tons for 2012; and, be it further

RESOLVED, That said contract is subject to the approval of the County Attorney; and, be it further

RESOLVED, That the proceeds shall be deposited into Revenue Account EW-083-2130.000 Landfill-Tipping Fees; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Solid Waste Director, Village of Canajoharie, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

Total: Ayes: 20 Nays: 0

